



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Christian KUNERT et al.

Serial No.: 09/943,739 *pdr*

Filed: September 4, 2001

Group Art Unit: 1731

Examiner: unassigned

For: DEVICE AND PROCESS FOR INTRODUCING GASES INTO A HOT MEDIUM

**PETITION FOR RETROACTIVE FOREIGN FILING LICENSE**  
**UNDER 35 U.S.C §134 AND 37 C.F.R. §5.25**

Commissioner of Patents  
and Trademarks  
Washington, DC 20021

17318  
#6  
04/26/02  
\$2  
**RECEIVED**  
APR 19 2002  
TC 1700

Sir:

Schott Glas hereby respectfully requests a retroactive granting of a foreign filing license under 37 C.F.R. §5.13, for the material contained in German Application 100 43 872.5 filed on September 4, 2000. The subject matter of this application is currently the subject of U.S. Application No. 09/943,739, filed on September 4, 2001. A check in the amount the \$130.00 for the fee under 37 C.F.R. 1.17(h) is attached.

**STATEMENT OF FACTS**

The unlicensed patent application material, for which the present retroactive license is requested, was filed in the German Patent Office as German Application 100 43 872.5 on September 4, 2000.

A verified statement is attached, attesting as follows: (i) the subject matter of German Application 100 43 872.5 was not under a secrecy order at the time it was filed abroad and is not currently under a secrecy order; (ii) the present license has been diligently sought subsequent to discovery of the proscribed foreign filing; and (iii) the material of German Application 100 43 872.5 was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained. The facts in support of these statements are set forth in the verified statement.

It is respectfully requested that a foreign filing license be granted. Such license should be sent to Schott Glas's representative, at the address below. The undersigned is an authorized agent of Schott Glas.

Respectfully Submitted



Csaba Henter Reg. No. 50,908

Anthony J. Zelano Reg. No. 27,969

Attorney for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.

Arlington Courthouse Plaza I

2200 Clarendon Blvd. Suite 1400

Arlington, Virginia 22201

Telephone: (703) 243-6333

Facsimile: (703) 243-6410

Filed: April 18, 2002

AJZ/CH (pdr) K:\Sgw\110\Petition for Retr Lic.doc